IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7123 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYSHRIBEN KAUSHIKKUMAR RANA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR CJ VIN for the Petitioner.

Mr.V.N. Patel for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/03/2002

ORAL JUDGEMENT

Rule. Mr.V.N. Patel waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for final hearing today.

By filing this petition, the petitioner has prayed that at the time of renewing the passport of the petitioner or at the time of giving fresh passport to the petitioner, the respondent may record correct birth date of the petitioner, which, according to the petitioner, is 15.10.1964. It is the say of the petitioner that due to oversight and mistake in the earlier passport, the birth date of 11.10.1964 was written, but the correct birth date is 15.10.1964. The petitioner has also produced certain documentary evidence to justify her say in this behalf as to what is the correct birth date of the petitioner. The petitioner has placed on record copy of the order passed by this Court in one of such matters, while disposing of Special Civil Application No.10563 of 2001.

In the facts and circumstances of the case, it is directed that the respondent shall consider and decide the petitioner's application for making correction of birth date in the passport. It is clarified that this Court has not adjudicated on merits whether the suggested birth date is correct or not. It is for the authority to decide the said question in accordance with law, after hearing the petitioner. The Authority is free to take into consideration whatever evidence which is required to be taken into consideration while deciding such application. Appropriate decision in this connection may be taken as early as possible, preferably within a period of three months from today. It is directed that the Authority shall take the decision strictly in accordance with law and, ultimately, if the authority is satisfied that the material produced by the petitioner is proper, the authority may pass appropriate order accordingly.

This petition is disposed of with the aforesaid direction. Rule is made absolute to the aforesaid extent, with no order as to costs.

Direct service is permitted.

13th March, 2002 (P.B. Majmudar, J.)

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(apj)